

1 THE HONORABLE JAMES L. ROBART  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE WESTERN DISTRICT OF WASHINGTON  
10 AT SEATTLE

11 JOHNNY B. DELASHAW, JR.,

12 Plaintiff,

13 v.

14 SEATTLE TIMES COMPANY, and  
15 CHARLES COBBS,

Defendants.

Case No. 18-cv-00537-JLR

STIPULATED MOTION AND  
[PROPOSED] ORDER TO SEAL  
PLAINTIFF'S AMENDED  
COMPLAINT

**NOTE ON MOTION CALENDAR:**  
**JULY 9, 2018**

*JLR*

16 I. INTRODUCTION

17 Plaintiff Johnny B. Delashaw, Jr. (Dr. Delashaw), Defendant Charles Cobbs (Dr. Cobbs),  
18 and Defendant Seattle Times Company (Seattle Times) jointly request the Court seal Dr.  
19 Delashaw's Amended Complaint (Dkt. #20).

20 II. BACKGROUND

21 Dr. Delashaw filed his Amended Complaint on June 25, 2018. Dr. Cobbs notified Dr.  
22 Delashaw on July 2 that two sentences in the Amended Complaint reference and quote a document  
23 that had been inadvertently produced to Dr. Delashaw in a state regulatory proceeding, which Dr.  
24 Cobbs had timely clawed back on the basis of a work-product claim. The parties agree that this  
25 document was inadvertently produced, information from this document was inadvertently included

STIPULATED MOTION AND [PROPOSED] ORDER TO  
SEAL PLAINTIFF'S AMENDED COMPLAINT - 1  
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1 in Dr. Delashaw's Amended Complaint, and that Dr. Cobbs did not waive his work-product claim  
2 regarding this document by inadvertently producing it. In response to Dr. Cobb's July 2  
3 notification, Dr. Delashaw filed a praecipe on July 6 and attached a corrected Amended Complaint  
4 to take the place of the original Amended Complaint (Dkt. #25).

5 **III. ARGUMENT**

6 “[D]istrict courts have the inherent authority to manage their dockets and courtrooms with  
7 a view toward the efficient and expedient resolution of cases.” *Dietz v. Bouldin*, 136 S. Ct. 1885,  
8 1892 (2016). FRCP 5.2(d) and LCR 5(g) govern the sealing of filings containing confidential or  
9 sensitive information. LCR 5(g)(3) requires a motion to seal a document to include:

10 (A) a certification that the party has met and conferred with all other  
11 parties in an attempt to reach agreement on the need to file the  
12 document under seal, to minimize the amount of material filed under  
13 seal, and to explore redaction and other alternatives to filing under  
14 seal; this certification must list the date, manner, and participants of  
15 the conference;

16 (B) a specific statement of the applicable legal standard and the  
17 reasons for keeping a document under seal, including an explanation  
18 of:

- 19 i. the legitimate private or public interests that warrant the  
20 relief sought;
- 21 ii. the injury that will result if the relief sought is not granted;  
22 and
- 23 iii. why a less restrictive alternative to the relief sought is not  
24 sufficient

25 The parties certify that Tyler L. Farmer (counsel for Dr. Delashaw), Malaika M. Eaton and  
John Q. Somerville (counsel for Dr. Cobbs), and Jessica L. Goldman (counsel for the Seattle  
Times) met and conferred telephonically regarding this issue on July 3 and subsequently agreed the  
original Amended Complaint should be sealed to preserve the confidentiality of information  
subject to Dr. Cobb's work-product claim, that no other material needs to be filed under seal at this  
time, and that redaction and other alternative methods were unsuitable in the context of a pleading  
that had already been filed.

STIPULATED MOTION AND [PROPOSED] ORDER TO  
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1 Dr. Delashaw's original Amended Complaint should be sealed because (i) doing so will  
2 protect Dr. Cobb's interest in preserving the confidentiality of information subject to his work-  
3 product claim; (ii) leaving the original Amended Complaint unsealed will undermine that interest;  
4 and (iii) alternative means of protecting that interest, such as redaction, cannot be readily applied  
5 to a document that has already been filed.

6 Accordingly, Dr. Delashaw, Dr. Cobbs, and the Seattle Times jointly request the Court seal  
7 Dr. Delashaw's original Amended Complaint (Dkt. #20) to preserve the confidentiality of  
8 information subject to Dr. Cobb's work-product claim. While the parties believe the Court has  
9 authority to seal documents that have already been filed, if the Court concludes otherwise, the  
10 parties ask the Court to strike Dr. Delashaw's original Amended Complaint from the docket.  
11 Whether Dr. Delashaw's original Amended Complaint is sealed or struck, the parties ask the Court  
12 to find that Dr. Delashaw's corrected Amended Complaint (Dkt. #25) is the operative complaint at  
13 this time. The Parties agree that no prejudice will be incurred by either side if this joint request is  
14 granted.

15 **IV. CONCLUSION**

16 For the foregoing reasons, Dr. Delashaw, Dr. Cobbs, and the Seattle Times respectfully  
17 request that this Court seal Dr. Delashaw's original Amended Complaint (Dkt. # 20) and find that  
18 Dr. Delashaw's corrected Amended Complaint (Dkt. #25) is the operative complaint.

1 DATED this 9th day of July, 2018.

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39 STIPULATED MOTION AND [PROPOSED] ORDER TO  
40 SEAL PLAINTIFF'S AMENDED COMPLAINT - 4  
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**[REDACTED] ORDER**

Based on the foregoing Stipulated Motion, the Court orders the clerk to seal Dr. Delashaw's original Amended Complaint (Dkt. #20). Dr. Delashaw's corrected Amended Complaint (Dkt. #25) is Plaintiff's operative complaint.

IT IS SO ORDERED

DATED this 9th day of July, 2018.

THE HONORABLE JAMES L. ROBART  
UNITED STATES DISTRICT COURT JUDGE

STIPULATED MOTION AND [PROPOSED] ORDER TO  
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## **CERTIFICATE OF SERVICE**

I hereby certify that on July 9, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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